

UNITED STATES DISTRICT COURT

for the

Central District of California

Michael and Shellie Gilmor, et al.

Plaintiff

v.

Preferred Credit Corporation, et al.

Defendant

Civil Action No. 4:10-cv-00189-ODS

(If the action is pending in another district, state where:

Western District of Missouri)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Jo Ann Niffenegger, 571 E. Cambert St., San Dimas, CA 91773-2206

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Esquire Solutions, Suite 400, 535 Anton Blvd., Costa Mesa, CA 92626, 800-755-1880

Date and Time:

02/17/2012 8:30 am

Mike Cooper, Esquire Solutions

The deposition will be recorded by this method: Stenographic and Video by 535 Anton Blvd., Suite 400, Costa Mesa, CA 92626

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 01/30/2012

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

Plaintiffs Michael and Shellie Gilmor, et al., who issues or requests this subpoena, are:
Kip D. Richards, Walters Bender Strohhahn & Vaughan, P.C., 2500 City Center Square, 1100 Main Street, Suite 2500,
Kansas City, Missouri 64105, (816)421-6620, krichards@wbsvlaw.com

Civil Action No. 4:10-cv-00189-ODS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* JO ANN NIFFENEGER
was received by me on *(date)* 01/31/2012.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

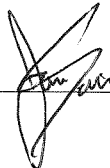
☒ I returned the subpoena unexecuted because: Unable to serve- Ms. Niffeneger appears to be avoiding service at her residence address.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$ 0.00.

My fees are \$ 0.00 for travel and \$ 65.00 for services, for a total of \$ 65.00.

I declare under penalty of perjury that this information is true.

Date: 02/08/2012



Server's signature

Jose Solis, Process Server, San Bernardino County #1088

Printed name and title

14271 Jeffrey Road, Suite 308
Irvine, CA 92620
(949) 295-8028

Server's address

Additional information regarding attempted service, etc:

Unable to serve - Ms. Niffeneger appears to be avoiding service at this time.

RETURN OF NON-SERVICE

UNITED STATES DISTRICT COURT District of California

Case Number: 4:10-CV-00189-ODS

Plaintiff:

MICHAEL AND SHELLIE GILMOR, et al

vs.

Defendant:

PREFERRED CREDIT CORPORATION, et al

For:

Kip D. Richards, Esq.

Walters, Benders, Strogbehn & Vaughn, P.C.

P.O. BOX 26188

KANSAS CITY, MO 64196

Received by Cal Process Servers on the 31st day of January, 2012 at 9:51 am to be served on **JO ANN NIFFENEGER, 571 E. CAMBERT STREET, SAN DIMAS, CA 91773-2206.**

I, Jose Solis, do hereby affirm that on the **8th day of February, 2012 at 6:00 pm, I:**

NON-SERVED the Subpoena to Testify at a Deposition in a Civil Action; Notice of videotaped Deposition Pursuant to Subpoena in a Civil Action. After careful inquiry and diligent attempts was unable to serve on **JO ANN NIFFENEGER** for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

2/1/2012 8:05 am No answer at door, no activity observed. No vehicles in driveway. This is a two story single family residence with attached triple car garage.

2/1/2012 6:32 pm No answer at door, no activity observed. No vehicles in driveway. House appears to be completely dark inside.

2/2/2012 7:21 am No answer at door, no activity observed. No vehicles in driveway.

2/2/2012 7:33 pm Not here per Ms. Niffeneger's son & co-occupant. He stated that she was out of town attending a Rodeo. He stated that she was not expected to return until late Sunday evening on the 5th. White pickup truck in driveway.

2/6/2012 7:49 pm No answer at door, lights on throughout the house. television could be heard from front door. No response. Two vehicles in driveway, white pickup truck observed on previous attempt and a black colored Volvo SUV. Occupants avoiding service.

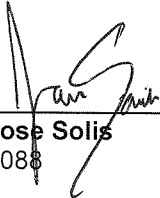
2/7/2012 6:50 am No answer at door, no activity observed. Vehicles from previous nights attempt in driveway. No response at door.

Service Fee Items:

Routine Process Service	\$65.00
Total	\$65.00

RETURN OF NON-SERVICE for 4:10-CV-00189-ODS

I certify that I am over the age of 18, have no interest in the above action, and am a Registered Process Server, in good standing, in the judicial district in which the process was served.



Jose Solis

1088

Cal Process Servers
14271 Jeffrey Road, #308
Irvine, CA 92620
(949) 295-8028

Our Job Serial Number: RSC-2012000162